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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,435	11/02/2000	Nir Ben-Zvi	63512/JPW/GJC	4779

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EXAMINER

NGUYEN, PHUOC H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. .

09/704,435

Applicant(s)

BEN-ZVI, NIR

Examiner

Phuoc H. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received on March 28, 2005 has been entered into record.
3. Claims 1-12 remain pending.

Response to Amendment

4. This office action is in response to the applicants Amendment filed on March 28, 2005. Claims 1 and 9 have been amended. Claims 1-12 are presented for further consideration and examination.
5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Delaney et al.

(Hereafter, Delaney) U.S. Patent 6,374,289.

8. Regarding to claims 1 and 9, Delaney reference discloses a method for efficiently exploiting an upstream channel bandwidth of full-duplex connection between a user and data network (Figure 2B) comprising: providing a coordination center for registering the location of data entities distributed among users over said data network (e.g. each peer client capable of tracking the data package location and storing the package location in the hash tables; col. 6 lines 9-23); downloading one or more data entities from said network by at least one user and storing said data entity storage device of said at least one user for a predetermined period of time for further use (e.g. each peer client capable of downloading data from other peer nodes and storing the data for serving to other peer clients; col. 5 lines 39-41 and col. 6 lines 35-37); registering the location(s) of the downloaded data entities in said coordination center (e.g. client capable of building the hash tables with respect to future attempts to locate a data package; col. 6 lines 42-43); whenever said coordinating center receives from on or more of other users one or more requests for said downloaded data entities, redirecting said other users to said location(s) (Figure 2B steps 4b & 5; col. 7 lines 66 through col. 8 lines 10); and re-transmitting said downloaded data entities to said other users through said upstream channel bandwidth of said at least one user (Figure 2B).

9. Regarding claim 2, Delaney further discloses the re-transmission of said received data to said other users is carried out during download time (col. 8 lines 38-49).

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10. Regarding claim 3, Delaney further discloses the re-transmission the information of received data to said the other users is carried out after download time (col. 10 last paragraph).

11. Regarding claims 4 and 11, Delaney further discloses receiving said data by said user, storing said received data on said user's computer system and re-transmitting said data from the user's location to said other users through said upstream channel bandwidth in response to a request or according to pre-defined operation instructions (e.g. Delaney's invention teaches the client capable of receiving and storing the package data and distributing the same package data to other peer clients who requested it (Figure 2B; col. 5 lines 39-41 and col. 6 lines 35-37)

12. Regarding to claims 5 and 12, Delaney further discloses receiving data on said user's computer system, causing said received data to be re-transmitted through said upstream channel bandwidth from said user to a first group of one or more other users, causing said received data to be re-transmitted through said upstream channel bandwidth from said first group of users to a further group of one or more other users, and repeating step (c) for all said users requesting the same said data (Figure 3).

13. Regarding claim 6, Delaney further discloses data is transmitted to said user from a plurality of other users (col. 7 lines 52-61).

14. Regarding claim 7, Delaney further discloses the transmission of data from a user to one or more other user(s) is carried out with delay (col. 9 lines 25-43).

15. Regarding claim 8, Delaney further discloses receiving data on said user's computer system, re-transmitting said received data through said upstream channel bandwidth to a dedicated server for storage, and retrieving said stored data from said dedicated server for other purposes (col. 2 2nd paragraph; and col. 5 1st paragraph).

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16. Regarding claim 10, Delaney further discloses the coordination center comprises storage means and software/hardware component for storing information related to the data passed through the network and for data retrieval (col. 4 lines 38-45).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zuili U.S. Patent 6,633,901

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen
Examiner
Art Unit 2143


DAVID WILEY
SUPERVISORY PATENT EXAMINER
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